



U.S. Department of  
Transportation

Office of the Secretary  
of Transportation

DOCUMENTARY SERVICE DIVISION  
Washington, D.C. 20590

96-25

Weekly Summary of Orders and  
Regulations

JUNE 10 - JUNE 14, 1996

Order	Docket	Summary	Date Action Taken
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(#) Published in the Federal Register.

96-2-52	48199	IN THE MATTER OF THE REVOCATION OF THE INTERSTATE CHARTER CERTIFICATE ISSUED TO EXECUTIVE FLIGHT MANAGEMENT D/B/A TRANS AMERICAN CHARTER, LTD. PURSUANT TO THE PROVISIONS OF 14 CFR 204.7: ERRATUM - This order was originally served on March 1, 1996. The third sentence in paragraph three on page one read "Trans American Charter stated that it had no objection to the Department's revoking its certificate authority for reason of dormancy and that, if it chose, it would file for new certificate authority at a later date" should be revised to read "The Department further explained to Trans American Charter that it if chose, it could file for new certificate authority at a later date." Served 6-14-96	6-10-96
96-6-13	Undoc'd	AIR-EVAC AIR AMBULANCE INC. CONCERNING U.S. CITIZENSHIP: The Department concludes that Air-Evac Air Ambulance, Inc. is a citizen of the United States within the meaning of 49 U.S.C. Section 40102(a)(15); Withdraws Order 95-3-3 (March 2, 1995) tentatively finding Air-Evac Air Ambulance not to be a citizen of the United States and directing interested persons to show cause	6-7-96

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continued.....

96-6-13	Undoc'd	why its registration should not be canceled and its authority terminated pursuant to 49 U.S.C. Section 41110 (e) Served 6-13-96	6-7-96
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96-6-14	47731 48466 48602 49834 OST-95-237 OST-95-255 OST-95-550 OST-95-809 OST-96-1072 OST-96-1125 OST-96-1143 OST-96-1144 OST-96-1194 OST-96-1228 OST-96-1235 OST-96-1262	The Department confirms the actions described in the attached Notices of Action Taken, which granted certain foreign air carriers (1) exemptions from the provisions of sections 41301, and where necessary 41504, and/or other sections of Title 49 of the U.S. Code; and/or (2) relief or authorizations provided for under regulations or orders of the Department, to the applicants to perform the operations described in the attached Notices of Action Taken. Served 6-13-96	6-7-96
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Intervening number appeared on a previous summary.

96-6-16	OST-96-1247 OST-96-1265 OST-96-1266 OST-96-1267	ESSENTIAL AIR SERVICE AT STERLING/ROCK FALLS, ILLINOIS, MT. VERNON, ILLINOIS, NORFOLK, NEBRASKA, AND IRONWOOD, MICHIGAN UNDER 49 U.S.C. 41731 ET SEQ.: The Department prohibits Great Lakes Aviation, Ltd., d/b/a United Express (Great Lakes), from suspending service at Sterling/Rock Falls and Mt. Vernon, Illinois; Ironwood, Michigan/Ashland, Wisconsin (Ironwood); and Norfolk, Nebraska, at the end of its 90-day notice period, and requiring it to maintain service through	6-7-96
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August 6, 1996.

Request proposals from interested carriers to provide replacement service at the four communities by July 3, 1996.

Served 6-13-96

96-6-17	47963 49363 49690 (OST-95-941)	<p>IN THE MATTER OF THE REVOCATION OF INTERSTATE CHARTER AIR TRANSPORTATION CERTIFICATE UNDER 49 U.S.C. 41102 AND THE ALL- CARGO AIR SERVICE CERTIFICATE UNDER 49 U.S.C. 41103 ISSUED TO VIKING INTERNATIONAL AIRLINES, INC. D/B/A EAGLE AIRLINES PURSUANT TO THE PROVISIONS OF SECTION 204.7 OF THE DEPARTMENT'S REGULATIONS: IN THE MATTER OF THE DISMISSAL OF THE APPLICATION OF VIKING INTERNATIONAL AIRLINES, INC. D/B/A EAGLE AIRLINES FOR A CERTIFICATE UNDER 49 U.S.C.41102 TO ENGAGE IN FOREIGN CHARTER AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL: The Department revokes the certificate of public convenience and necessity issued to Viking International Airlines, Inc. d/b/a Eagle Airlines by Order 93-5-27, authorizing it to engage in interstate charter air transportation of persons, property, and mail, and the all-cargo air transportation certificate issued to Viking International Airlines, Inc. d/b/a Eagle Airlines by Order 78-1-26; Dismisses the application of Viking International Airlines, Inc. d/b/a Eagle Airlines in Docket 49690 for a certificate authorizing it to engage in foreign charter air transportation of persons, property, an mail. 6-13-96</p>	6-7-96
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96-6-18	OST-95-589 OST-95-590 OST-96-985 OST-96-1015 OST-96-1016	<p>APPLICATIONS OF CAPITAL CARGO INTERNATIONAL AIRLINES, INC. FOR CERTIFICATES UNDER 49 U.S.C. 41102 AND 49 U.S.C. 41103 TO ENGAGE IN FOREIGN CHARTER AIR TRANSPORTATION OF PROPERTY AND MAIL AND INTERSTATE ALL-CARGO AIR TRANSPORTATION; WAIVER FROM SECTION 201.5 OF THE DEPARTMENT'S RULES AND FOR AN EXEMPTION FROM THE CERTIFICATE REQUIREMENTS OF 49 U. S.C. 40109 AND FOR A WAIVER TO CARRY REVENUE CARGO ON FAA PROVING RUN FLIGHTS:</p> <p>The Department confirms various actions taken with respect to Capital Cargo International Airlines, Inc., and (2) reissues to the carrier its section 41102 and 41103 certificates authorizing it to conduct foreign charter cargo and interstate all-cargo operations to reflect their effective date.</p> <p>Served 6-13-96</p>	6-7-96
96-6-19	OST-95-418	<p>APPLICATION OF FLORIDA WEST INTERNATIONAL AIRWAYS, INC. FOR TRANSFER OF CERTIFICATE AND EXEMPTION AUTHORITY PURSUANT TO 49 U.S.C. 41105</p> <p>The Department tentatively (1) finds that Florida West International Airways, Inc., is fit, willing, and able to provide interstate and foreign scheduled cargo air transportation, subject to conditions (2) proposes to transfer to Florida West International Airways, Inc.,</p>	6-10-96

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certain certificate and exemption authority currently held by Florida West Gateway, Inc.

d/b/a Florida West Airlines, Inc., and (3) proposes to cancel all non-transferred Florida West Gateway authority.  
Served 6-10-96 #

96-6-20	OST-96-1386 OST-96-1311 OST-96-1257 OST-96-1231 OST-96-1195 OST-95-1127 Undoc'd	The Department confirms the actions described in the attached Notices of Action Taken, which granted certain foreign air carriers (1) exemptions from the provisions of sections 41301, and where necessary 41504, and/or other sections of Title 49 of the U.S. Code; and/or (2) relief or authorizations provided for under regulations or orders of the Department, to the applicants to perform the operations described in the attached Notices of Action Taken. Served 6-14-96	6-10-96
96-6-21	OST-96-1342	NINETY-DAY NOTICE OF SIMMONS AIRLINES, INC. D/B/A AMERICAN EAGLE UNDER 49 U.S.C. 41734 AND 14 CFR PART 323 OF INTENT TO TERMINATE SERVICE AT MARQUETTE, MICHIGAN: The Department will take no action to prohibit Simmons Airlines, Inc. from terminating its scheduled service at Marquette, Michigan, effective August 1, 1996. Served 6-14-96	6-10-96
96-6-22	OST-96-1104	U.S.-LIMA COMBINATION SERVICE PROCEEDING (1996) PHASE TWO: The Department institutes the <b>U.S.-Lima Combination Proceeding (1996) Phase Two</b> to allocate 3.5 weekly frequencies to provide scheduled combination service	6-10-96

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between a point in the United States, including Miami or Fort Lauderdale, and Lima, Peru, effective November 1, 1996, under amended provisions of the U.S.-Peru, effective November 1, 1996, under amended provisions of the U.S. 1986 Air Transport Service Agreement (the "Agreement").  
Served 6-14-96

96-6-23	OST-96-1019 OST-96-1020	<p>APPLICATIONS OF PANAGRA AIRWAYS, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE AND FOREIGN CHARTER AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL :</p> <p>The Department tentatively concludes that Panagra Airways, Inc. ("Panagra") is a citizen of the United States, and is fit, willing, and able to provide interstate and foreign charter air transportation, and should be issued certificates of public convenience and necessity for such operations.</p> <p>Served 6-10-96</p>	6-10-96
96-6-24	OST-96-1359 Undoc'd	<p>APPLICATION OF BRITISH AIRWAYS PLC FOR AN EXEMPTION UNDER 49 U.S.C. SECTION 40109:</p> <p>APPLICATION OF AMERICA WEST AIRLINES, INC. FOR A STATEMENT OF AUTHORIZATION UNDER 14 CFR PART 207 OF THE DEPARTMENT'S REGULATIONS:</p> <p>The Department grants British Airways Plc an exemption to conduct scheduled service between the United Kingdom and nine U.S. cities under a code-share arrangement with America West Airlines, Inc., and grants</p>	6-10-96

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America West a statement of authorization to permit it to place British Airway's designator code on flights between Phoenix and the nine cities . The authority will be effective immediately for a period of two years.  
Served 6-20-96

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96-6-25	Undoc'd	<p>HORIZON AIR - VIOLATIONS OF 49 U.S.C. SECTION 41712 AND 14 CFR 399.84 - CONSENT ORDER</p> <p>This consent order concerns violations of 49 U.S.C. Section 41712 and the price advertising requirements in 14 CFR 399.84 by Horizon Air.</p> <p>Directs Horizon Air to cease and desist from future violations and to pay compromise civil penalties;</p> <p>Horizon Air is assessed \$12,000 in compromise of potential civil penalties.</p> <p>Served 6-11-96</p>	6-11-96
96-6-26	OST-96-1337 OST-96-1338	<p>APPLICATIONS OF TATONDUK OUTFITTERS, LTD. D/B/A TATONDUK FLYING SERVICE AND D/B/A AIR CARGO EXPRESS FOR REMOVAL OF CERTIFICATE RESTRICTIONS AND AN EXEMPTION TO OPERATE ADDITIONAL AIRCRAFT:</p> <p>The Department confirms the oral action of the Director, Office of Aviation Analysis, of May 16, 1996, granting Tatonduk Outfitters, Ltd. d/b/a Tatonduk Flying Service and d/b/a Air Cargo Express an exemption from the terms, conditions, and limitations of its certificate of public convenience and</p>	6-11-96

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necessity to the extent necessary to enable it to add one additional DC-6 aircraft to its fleet Reissues the certificate issued to Tatonduk Outfitters, Ltd. d/b/a Tatonduk Flying Service and d./b/a Air Cargo Express by Order 95-7-8 in the form and subject to the terms, conditions and limitations attached.

Served 6-11-96

Intervening numbers have not been released.

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96-6-29	OST-96-1163 OST-96-1212	<p>APPLICATIONS OF RENO AIR, INC. AND ALASKA AIRLINES, INC. FOR AN EXEMPTION UNDER 49 U.S.C. 40109 TO ENGAGE IN FOREIGN SCHEDULED AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL (SAN JOSE-PUERTO VALLARTA/SAN JOSE DEL CABO):</p> <p>The Department tentatively selects Reno Air, Inc., to provide foreign scheduled air transportation of persons, property, and mail between the terminal point San Jose, California, on the one hand, and the coterminal points Puerto Vallarta and San Jose del Cabo, Mexico, on the other; Tentatively denies the applications of Alaska Airlines, Inc., for authority to serve the San Jose-Puerto Vallarta/San Jose del Cabo markets.;</p> <p>Objections due June 18, 1996</p> <p>Answers to Objections due June 24, 1996.</p> <p>Served 6-13-96</p>	6-13-96
96-6-30	48638	<p>ESSENTIAL AIR SERVICE AT KAMUELA, HAWAII UNDER 49 U.S.C. 41731 ET SEQ.:</p>	6-14-96



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The Department tentatively reselecting Trans Executive Airlines, Inc. d/b/a Trans Air, to provide subsidized essential air service at Kamuela, Hawaii, for the two-year period May 1, 1996, through April 30, 1998, at an annual rate of \$292,061.  
Served 6-19-96

96-6-31	OST-96-1432	<p>APPLICATION OF ANTONOV DESIGN BUREAU FOR AN EXEMPTION UNDER 49 U.S.C. SECTION 40109(G): The Department grants Antonov Design exemption authority to operate one one-way cargo charter flight on or about July 13, 1996, carrying emergency traffic from North Kingstown, Rhode Island, to Honolulu, Hawaii. Served 6-14-96</p>	6-14-96
96-6-32	OST-95-317	<p>U.S.-PERU ALL CARGO SERVICE PROCEEDING: The Department tentatively awards new U.S.-Peru scheduled all-cargo certificate authority and allocate a total of six immediately available weekly frequencies to Arrow Air, Inc. (two weekly frequencies); Florida West International Airlines, Inc. (two weekly frequencies); and Millon Air, Inc. (two weekly frequencies); Tentatively defers award of the three weekly frequencies that do not become available until November 1, 1996. Objections due July 1, 1996</p>	6-14-96

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Answers to Objections July 8, 1996.  
Served 6-20-96

96-6-33	OST-95-618	<p>JOINT APPLICATION OF DELTA AIR LINES, INC., SWISSAIR, SWISS TRANSPORT COMPANY, LTD., SABENA S.A., SABENA BELGIAN WORLD AIRLINES, AND AUSTRIAN AIRLINES, OSTERREICHISCHE LUFTVERKEHRS</p> <p>AG FOR APPROVAL OF AND ANTITRUST IMMUNITY FOR ALLIANCE AGREEMENTS PURSUANT TO 49 U.S.C. SECTIONS 41308 AND 41309:</p> <p>The Department finalizes its approval and antitrust immunity for the Alliance Agreements, as conditioned in Appendix A, with respect only to the Atlanta-Brussels, Atlanta-Zurich, and Cincinnati-Zurich markets;</p> <p>The grant of antitrust immunity does not cover Delta's and Austrian/Swissair's interests in Worldspan, L.P. and Galileo, respectively. Reaffirms its directive that the Joint Applicants resubmit the Alliance</p>	6-14-96
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Agreements five years from the date of the issuance of this

Order.

Notwithstanding its final decision, if Delta, Austrian, Sabena, and Swissair choose to operate under a common name or brand, they will have to seek separate approval from the Department before implementing the change;

Affirms its determinations regarding the Joint Applicants' participation in IATA tariff coordination activities, as fully described above.

Directs Austrian, Sabena, and Swissair to report O & D Survey data, as defined in this order.

Directs the Joint Applicants to submit any subsidiary and/or subsequent agreement(s) continued.....

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96-6-33

OST-95-618

continued.....

6-14-96

Directs the Joint Applicants to submit any subsidiary and/or subsequent agreement(s) with the Department for prior approval; Within 18 months, the Department intends to review, in cooperation with the DOJ, the Joint Applicants' operations to ensure that the effects of the immunity have been consistent with its pro-competitive and pro-consumer objectives. Served 6-17-96

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ORDERS NOT RELEASED AS OF JUNE  
14, 1996:

96-6-27, 96-6-28